

Het leefklimaat in justitiële inrichtingen

(The living environment in correctional institutions)

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Summary

To answer the question how the Custodial Institutions Agency (*Dienst Justitiële Inrichtingen, DJI*) can shape the living environment in the future in such a manner that adverse effects of detention, where possible, can be avoided and a responsible return to society safe can be stimulated, the Dutch Research and Documentation Centre (*WODC*) has asked researchers from the Department of Criminal Law and Criminology of State University of Groningen and the Montaigne Centre of Utrecht University to conduct a literature study into the living environment in correctional institutions. The study had to extend to and provide relevant information for four types of institutions, namely: institutions for adult prisoners, institutions for juveniles, institutions for immigration detention and institutions for forensic mental health care.

The research questions read as follows:

- What is known in the literature about the living environment in correctional institutions and the effect that the living environment has on the perception of detention and the behavior of individuals during and after their stay?
- Which factors determine the living environment?
- What possibilities exist to influence the living environment and which instruments exist to measure the living environment and changes thereof?

We aim to answer these questions through the following sub-questions.

Defining the living environment

1. What is an adequate definition of living environment?

Living environment factors

2. Out of which factors does the living environment consist of in a correctional institution? To what extent are these factors static or dynamic?
3. Which factors create the conditions and can thus be qualified as determinants?
4. Which factors contribute to a positive living environment? What are the existing different views on this subject?
5. What obstacles stand in the way of achieving a positive living environment in a closed institution?

Effects of the living environment

6. What is known about the relationship between the living environment and the quality thereof in a correctional institution and the carrying out of individual projects/the effect of interventions (such as recidivism)?

Measuring instruments

7. How can the living environment in correctional institutions be measured? What instruments are available? What is the quality (reliability and validity) of these instruments?

Knowledge gaps

8. What relevant knowledge with regard to the living environment is still lacking in the literature and into which research questions can these knowledge gaps be translated?

We have chosen for a functional definition of the term living environment (for the explanation see Chapter 2). In this study we understand ‘living environment’ as

the aspects of the involuntary residential stay in correctional institutions which have an impact on the well-being and/or behavior of the occupants during and after their stay.

Policies, legislation and research that specifically relate to the living environment in the four types of Dutch institutions are discussed in Chapter 3. In that chapter an overview is also given of the population in the different institutions.

Methods

To gain insight into the current knowledge on the living environment in custodial institutions relevant Dutch and international publications have been studied. General publications on the living environment in detention were searched for as well as publications relating to the regular prison system, the (forensic (and)) mental health care, immigration detention and the youth offender institutions. The international literature study was mainly focused on countries which have a detention system somewhat similar to the Netherlands, due to the fact that the results of these studies may also, more or less, be applicable to the living environment in Dutch custodial institutions. In addition to the Dutch publications, we have concentrated on publications from Belgium, Germany, Great Britain, Canada and the Scandinavian countries. Which search terms and databases we used, are described in detail in Chapter 1.

Efforts were made to obtain a complete overview of the literature. However, this is not an easy task given the broad scope of the research. There are many terms that describe the living environment and the diverse authors distinguish various different types and aspects of the living environment, which are classified differently each time. Although the emphasis in this research is on more recent publications, we did not want to include a strict time limitation. As a result, it is difficult to reach a saturation point. We have checked the completeness of our literature study, insofar as this was possible, by constantly searching in the bibliographies of the publications we found to find references that were not yet included in our literature database. Although we have tried to involve the main findings and insights on the topics which exist in the literature in our research, there are undoubtedly relevant publications which we have overlooked or have not read. That is definitely the case if the publications were not available in Dutch or English.

In addition to the literature study we have conducted some field visits to institutions that could serve as inspiring examples with regard to the living environment. For each sector which was involved in the literature study, we have visited an institution that has a good reputation in its field or receives special attention because of the living environment (in the forensic mental health care sector there were two). We also visited two Norwegian institutions that receive a lot of international attention because of their special living environment and one German institution. The case studies are mainly intended to serve as inspiring examples, but they also offered us the opportunity to determine to what extent and in which way the living environment factors which we saw in the literature were set out in the institutions. When we visited the institutions we tried to determine which factors were decisive for the – considered beneficial – environment in the institution and tried to summarize that as concisely as possible in the different case studies which are included in the report. Certainly not all institutions fully met the expectations or the requirements set in the literature for a positive living environment. However, in the descriptions we emphasized the positive elements, while occasionally including a critical comment.

Finally, we presented our crude findings in the form of propositions to a selected team of the staff working in the four types of institutions involved in the research. The meeting aimed to determine to what extent the participants recognized and coped with the tensions expressed in the propositions. The meeting also served as a test to determine whether the results of the literature study corresponded to the institutional reality and the practical experience of the participants.

The results

The main findings that emerged in the literature on the living environment are described under the heading of six factors and three determinants of the living environment. We understand factors to mean conditions that directly affect the living environment: Dutch dictionary Van Dale speaks of a co-determining element. As factors we distinguish: the contacts between staff and prisoners, the degree of autonomy, contacts with the outside world, safety, meaningful daytime activities and physical well-being. According to our distinction, determinants are conditions that are by themselves insufficient to create a positive living environment, but do create the conditions to do so. As determinants we distinguish: the premises, the professionalism and composition of the staff and the composition of the resident population. While all the factors and dimensions we have distinguished are in principle variable and thus can be characterized as dynamic, this is to a lesser extent true for the determinants than for the factors. Although the buildings and the composition of the prison population can also be changed, in the short term it remains true that these will be difficult to change. We summarize the main findings once more but confine ourselves to the most concrete findings (research question 4 and 5): which factors contribute to a positive living environment and which obstacles do they face.

Factors

The factor *contact between the staff and prisoners* is referred to in the literature in different terms as the core of the living environment in a closed institution. The relational dimension – including that of prisoners amongst themselves – is, in the work of Liebling, one of the three main dimensions of the prison system, which includes several sub-dimensions, such as respect, humanity, trust, and support. The perceived relationship between staff and prisoners can exercise influence on both the experience of detention by prisoners, the safety in the institution, and the – criminal – behavior after the stay in a closed institution. Though the latter causal relationship is not strongly proven in the literature. Respect and support are key concepts which keep emerging in the research into the influence of the relationship between staff and prisoners on the perception of prisoners. Respect can be understood in various ways, but from the perspective of prisoners it seems to at least mean that their needs should be listened to and met. This is consistent with the preference which prisoners have in all types of institutions for a supportive attitude, instead of simply an enforcing attitude. A supportive attitude enhances the acceptance of the regime and the rules, as shown in various studies, and increases motivation for treatment (in so far as applicable, given the nature of the institution). This is a finding which is entirely in accordance with the theory of *procedural justice*. Good contact between the staff and prisoners, where one can speak of openness and trust to some degree (however tricky that can be in a closed institution), has a positive effect on the experienced *safety*. According to the literature maintaining the regime and safety by maintaining good relationships with prisoners is preferable to maintaining safety by exercising authority or the use of physical security measures. Crewe has referred to this with the term *soft power*. More recent research into conflict prevention and de-escalation shows that the use of isolation both by staff and prisoners is found to be very unpleasant. A *time out* appears to be a good alternative in many cases to serve the same purpose. However, staff can also have a negative influence on the living environment. Young people experience the interaction with staff as

negative when they were not given any space, the rules were applied too strictly or in an unfair manner, when they were given insufficient attention or trust, when aggressive behavior was tolerated or when complaints were not taken seriously. Feelings of fear among employees can lead to an overly rigid or managerial climate.

Autonomy as a factor in the living environment currently attracts much attention in the Netherlands. For this factor several related terms are also in use such as responsibility, independence, and self-reliance. There also exists a wide range of definitions, of which the simplest is *the extent to which a prisoner is left to make his or her own choices*. The positive impact of giving autonomy to prisoners on the living environment of an institution or the behavior of prisoners seems to depend mainly on the interpretation of the adjective itself. To what extent can a prisoner actually voluntarily give substance to – a part of – the living environment and to what extent is that substantiation actually consistent with his or her own values or interests? Recent research confirms that prisoners can actually only decide very little themselves, even in institutions where attempts are made to increase self-reliance. At the same time that research showed that giving more freedom and responsibility to prisoners considerably enhances self-reliance (De Jong, Willems & Van Burik 2015). In the *desistance* theory, as described in Chapter 4, being able to make one's own choices and learning how to be identified as an important prerequisite for the process of stopping with crime. The empirical literature shows that increasing the autonomy of prisoners can have a positive influence on both the perception of the prisoner and the safety in the facility. However, the research is still limited. Having a private cell or room, having control over the lights and temperature and having a private shower enhance the perceived autonomy. That certainly also applies to being able to independently prepare and cook a meal. The extent to which prisoners experience autonomy also depends greatly on their relationship with the staff.

The literature reveals a strong correlation between the perceived quality of the living environment and the extent and manner in which prisoners are capable and enabled to maintain relationships with the outside world. Receiving visitors appears to have a positive impact on both the behavior of prisoners in detention, their motivation to work on reintegration and recidivism after detention. The circumstances by which contact with the outside world must be maintained or how the visits must take place are sometimes a source of frustration, which can lead to prisoners refraining completely from having contact with the outside world.

The extent to which prisoners experience safety is particularly dependent on five aspects: the contact with other prisoners, the interaction with the staff, the personal spaces, the trust between the staff and prisoners and the type of security measures that are taken.

- Prisoners feel less safe the more cellmates they have and that fear is stronger in the night than during the day. The better contact the prisoners have with their fellow prisoners, the safer they feel.
- The same conclusion can be made regarding the influence that the relationship with the staff has on the feelings of safety of prisoners. The more positive prisoners experience their relationship with the staff, the safer they feel. The supervision by the staff and the way in which this is implemented also has an impact on the feelings of safety. Again, a supportive attitude can increase the feelings of safety, while a hostile attitude increases the feelings of insecurity.
- This is even more so when there is trust, a scarce commodity in the context of the prison system. However, the level of trust between prisoners and staff has a significant impact on the prisoners' feelings of safety. Lack of trust and a culture of distrust are according to Liebling and Arnold (2004) related to experiences of insecurity. As an explanation for the decline of

trust in one of the maximum security prisons they examined, they state the growing social and cultural distance between staff and prisoners, partly as a result of differences in ethnicity and a prison culture that is more individualistic and less solidary due to the emphasis placed on risk assessment.

- A fourth aspect that affects the perception of safety is related to the availability and furnishing of their own living space. Here too there is a negative relationship between the number of cellmates and the extent to which prisoners feel safe. Sometimes this has as its corollary that prisoners feel safer the more they can be outside of their cell. The literature also shows that there is a link between the layout of the living environment and the chance of separation. This chance becomes smaller when prisoners have more personal space available to them, the level of comfort is higher, and the ward is more organized. A personal shower also increases feelings of safety, because unsupervised areas, such as communal showers, are generally regarded as risky and unsafe.
- Finally, the literature on the impact of safety on the living environment shows the paradox that more security measures do not lead to the experience of more security. Security measures can have a negative impact on the living environment and a negative impact on autonomy. More physical security measures in an institution also do not guarantee greater safety. More transparency can lead to more safety, but also affects the dimensions of privacy.

Of major impact on both the perception of the living environment and the behavior of detainees are the possibilities offered by the institution for *meaningful daytime activities and personal development*.

From the research three types of findings emerged.

- Firstly, the importance given, in all the types of institutions, to future-oriented activities and to being able to give substance, in a meaningful way, to the time that must be spent in the institutions.
- However, prisoners consider the activities that are offered to them in closed institutions in general of little use. Even then activities are useful, they prevent boredom and offer the opportunity for contact with staff and fellow detainees and sometimes with the outside world. The prisoner survey revealed that from the current activities prisoners particularly appreciate the library, the possibility to exercise and the contact with the spiritual counselor and that detainees are very negative about the offered behavioral interventions.
- It is undisputed that offering meaningful activities aimed at reintegration can also have a positive impact on reintegration. That can be inferred from the theoretical concepts discussed in Chapter 4. We have not found research in which it is also empirically established that a positive living environment enhances the effects of interventions. Such relations have, however, been proven in the education and health sectors.

We understood *physical well-being* as a factor that affects the living environment in a limited manner in this research. We concentrated on the relationship with food and the impact of physical exercise and sport. For both aspects it follows from the literature that they can have an important influence on the manner in which the living environment is experienced as well as on the behavior. While there are frequent complaints in closed institutions about the quality of the food relatively little research has been conducted. A few studies present research on the nutritional value of the food, but they all show very different results. There have also been a number of experimental studies on the effects of dietary supplements on the behavior of prisoners, which seem to suggest that the administering of nutritional supplements can have a positive effect on the behavior. Sport has both a positive influence on the physical health and on the mental health of prisoners. It is an important outlet and can also have a positive impact on the attitudes, beliefs and behavior of prisoners.

Determinants

A first determinant that we distinguished concerns the *premises*. Although perhaps not directly decisive for the living environment, the physical surroundings can exert a very significant influence on how shape has been given to the living environment. Research has regularly been done on the effects that the size of a living unit has on the living environment. Although the results of this research are not entirely clear, it appears that the conclusion can be made that smaller living units lead to more positive results than larger living units. Norwegian research in all closed institutions shows that prisoners in institutions with less than 50 prisoners score higher on nearly all dimensions of the MQPL than prisoners in medium and large sized institutions (Johnson & Granheim 2012). Other research has also shown that relatively small institutions have a positive effect on the safety. A second aspect which has received extensive attention in the literature concerns the influence of the sharing or not sharing of a cell on the detention experience. Here, too, the conclusion is relatively straightforward. In general, having to share a cell has a negative influence on the detention experience, even though it appears from the literature that for some categories of prisoners it is different in certain circumstances.

We distinguish the *professionalism and composition* of the staff from the previously discussed contact between the staff and prisoners. Where the contact between the staff and prisoners is a factor which can constantly change, we see the composition and professionalism of the staff as more of a static determinant with which, at least for a certain period, substance is given to the living environment. From research in several sectors it appears that the staff should be able to maintain a certain balance between involvement and detachment. The staff must be close to the inmates, but also manage to maintain a professional distance. The quality of staff training seems to be able to play a role in this. The knowledge, capability and skills of the professional display the content and thereby the contours of his or her expertise. This requires a completed education and continuing permanent education to acquire the skills and to maintain them. Education and continuous training are essential means to increase the arsenal of useful de-escalation skills and to have them available at the critical moment, according to research in closed psychiatry wards, whereby the isolation or fixation can be reduced or prevented.

Lastly, we have identified the *composition of the inhabitant population* as on the one hand a very dynamic and yet not modifiable determinant of the living environment. It is clear that a change in the composition of the resident population also has a direct influence on the quality of the living environment.

Some theoretical explanations

That there is empirical evidence of a relationship between the factors of the living environment and the effect of interventions on behavior has been shown above. In Chapter 4 we discussed four theoretical concepts which could explain this relationship.

- The concept of procedural justice deals with the conditions in which people experience authority, regardless of the outcome of specific decisions. Important conditions are that people feel heard, trust the authorities, feel that they are treated with respect, and have the feeling that decisions are made impartially. In the context of the prison system it will mainly depend on the quality of the relationship whether the requirements of procedural justice can be met. Of great importance is what Liebling calls the organizational respect, meaning that the prison staff recognizes the needs of the prisoner and helps to fulfill them. In connection to the influence on

behavior, it is important that the experiencing procedural fairness in detention can be carefully associated with a decrease of recidivism (Tyler *et al.* 2007). It also has an impact on reducing the negative effects of imprisonment (Reisig & Mesko 2009; Liebling 2008). Research by Beijersbergen *et al.* (2015) shows that there is a relationship between experiencing procedural justice and the behavior of prisoners. Prisoners who feel justly treated exhibit less misconduct and are less frequently the subject of a disciplinary report.

- Both the RNR model and the *desistance model* show under what circumstances behavioral interventions can have a positive effect on recidivism. Very briefly summarized it can be stated that the probability that reintegration oriented activities have a positive effect on the reduction of recidivism is greater the more they are tailored to the individual and are focused on rehabilitation rather than on deterrence. It is also clear that it is important to take into account the factors that gave rise to the criminal behavior (*needs*). Motivation is also an important condition for success and can be increased by connecting to the goals which the prisoner wants to achieve in his or her life. *Human agency* is also a concept that is associated with the process of desistance (Farrall 2002). It means that offenders develop the power to act to, for example, make their own choices and to give meaning to their lives and be more successful the more they experience success. Whether these conditions can be realized within a closed context will in many cases depend on the living environment. The possibilities of tailoring interventions to the individual, of motivating and giving the prisoner his or her own responsibilities will, after all, depend largely on the organization of the living environment, as previously discussed.
- That recourse to the own responsibility of prisoners also has a limit is expressed by Crewe with the notion of *soft power*. The constant call upon the own responsibility of prisoners in the context of rehabilitation can also be a form of exercising power which prisoners experience as an aggravating circumstance and can ultimately discourage them to actively work on their reintegration.

Quantifying living environment

Lastly, Chapter 6 answers the seventh research question. How can the living environment be measured in a custodial institution? What instruments are available and what is the quality (reliability and validity) of these instruments? For ten instruments we researched, on the basis of the available literature, what the usability, reliability and validity of these instruments are. Firstly, it is striking for a number of the instruments that they only very limitedly measure the factors and dimensions, as they are shown in the literature and have been discussed in the previous chapter. A number of instruments measure such a limited number of factors that it can hardly be said that there is indeed a 'measurement of the living environment' as we have defined in this report. Only the CIES/WAS (90/100 items), the MQPL/SQL (respectively 140 and 117 items), the Styve/MacKenzie (129 items) and the Prisoner survey measure relatively many factors and can give a more detailed insight into the living environment. The use of these questionnaires should, however, be done with adequate caution. Not every questionnaire can be applied to both residents and staff in both prison and in secure forensic institutions, so the applicability is restricted. For example the MQPL/SQL and Styve/MacKenzie questionnaires were developed for the prison system and the Styve/MacKenzie questionnaire does not apply to staff members. None of these questionnaires has been validated in diverse populations including adults, adolescents, men and women, reducing their practical value even further. The CIES/WAS, MQPL/SQL, and the Styve/MacKenzie questionnaires can, for these reasons, not be recommended for use in practice until more extensive evidence supports their psychometric qualities. The predominantly quantitative instruments, as have been discussed in this chapter, can only show a

reduced picture of reality. They show how prisoners appreciate their living environment, but now why they appreciate it that way and not what the differences between wards, institutions or individuals shows. In our firm conviction the application of questionnaires should therefore go alongside more qualitative research or other methods (mixed methods), by which can be determined from the inside why the living environment in different institutions is experienced differently. A systematic study of first-person documents, the use of actiwatches, in-depth interviews and the use of expert panels are just some examples of alternatives or additions to questionnaires.